IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 260 (SS) OF 2006

Sudar Lal Bijalwan,
S/o Sri Kulanand Bijalwan,
R/o Village Barkot Near Range Office,
P.O. Dandi Rani Pokhari, District Dehradun

.....Petitioner.

Versus

1. Forest Conservator Shivalik Circle,
   Uttaranchal, District Dehradun.
2. Divisional Forest Officer,
   Van Prabhag, District Haridwar.

.....Respondents.

Dated: 02.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the suspension order dated 21.02.2006.

2. Brief facts giving rise to the present writ petition are that according to the petitioner, he was appointed as Forest Guard on daily wage basis in the year, 1983 and since the date of his appointment he was continuously serving and there was not even a single complaint against him. On 22.10.2003, the service of the petitioner was regularized.

3. On 07.02.2006, an FIR was lodged against one another forest guard, two others namely Sri Rakesh Kumar and Shyam Singh on the allegation that a body of Cheetal was found lying adjoining to the National Highway in Sabbalgarh Compartment No.7.

adjoining to the National Highway in Sabbalgarh Compartment No.7.

4. In this respect the petitioner lodged an FIR and after lodging the FIR, he reported the matter to his superior officer, but at the relevant time, the Forest Ranger was on leave, therefore, the body of the Cheetal was kept in safe custody.

5. Thereafter, The body of Cheetal was sent for postmortem by the order of the Section Officer, who was handed over the charge.

6. The Medical Officer after conducting the post mortem on the dead body recorded an opinion that satisfactory post mortem could not be done for want of entire body of Cheetal.

7. The petitioner has submitted that he was expecting for being rewarded for recovering the dead body of Cheetal but instead of rewarding for the work he did, he was suspended vide order dated 21.02.2006.

8. In ***S.K. Goel Vs. State of Uttaranchal and another, 2005 (2) U.D.11,*** the Division Bench has observed as under:-

"Hence, it is incumbent upon the disciplinary authority consider whether a transfer of the officer will be sufficient or whether suspension itself is required."

9. In view of the above, the respondent department is directed to complete the inquiry against the petitioner within a period of four months. In the meantime, the suspension order sated 21.02.2006 shall remain stayed.

10. Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

02.03.2006
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